

## **Section 15 DOMESTIC VIOLENCE RESPONSE AND ORDERS OF PROTECTION**

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## **Section 18 PURSUIT**

- Report and pay \$0

## 7. January 31

- By January 31 of each year, the seizing agency should have submitted to the State Treasurer:
  - Four quarterly reports listing forfeited property of the preceding calendar year
  - An amount equal to 10% of the net proceeds of **any property forfeited** during the preceding calendar year

## 17.04 SEXUAL ASSAULT EVIDENCE IMPOUND

When processing evidence of a sexual assault, use the following as a guide.

**Sexual Assault Kit:** Impound into a temporary locker.

**Clothing:** If the clothing is dry or mostly dry, store in paper bags at room temperature and impound in a locker.

If the clothing is excessively wet or dripping with blood or bodily fluids, or you do not know, store the clothing in a “dry bag” and then in a paper bag and place in a temporary locker. If the officer/detective believes it necessary a Property Room Specialist can be called out to place the item(s) in the dry room.

## 17.05 SYRINGES/NEEDLES

The cutting or shearing of a needle from a syringe is completely prohibited by state and federal regulations,” according to WAC 296-62-02001 (4) (b) (vii).

In most instances the Property Room will not accept syringes/needles unless it is necessary for essential evidentiary value and only if the items if packaged in a sharps container and labeled properly.

In those instances where the syringes/needles are of essential evidentiary value in a homicide, assault or in other serious felony offenses, the impounding of the syringes/needles must have the approval of a supervisor and with the further approval of the Washington State Crime Lab.

**Do Not** impound syringes/needles to support lesser crimes such as possession of Drug Paraphernalia. Photograph the items and then destroy. Impound the photographs.

**Do Not** impound syringes/needles for safekeeping or if found items. Place in Sharps containers and dispose of at biohazard disposal site.

### 3.51 RAPE

Rape is a socially sensitive crime. Officers should show the utmost professional demeanor and sensitivity to the victim and seek victim assistance if necessary.

#### CHECKLIST:

- ☐ Contain and secure scene from unauthorized entry.
- ☐ If at all possible, weapons should be left undisturbed until photographed and measured.
- ☐ Do not allow victim to bathe or change clothes, if possible.
- ☐ Obtain immediate medical treatment for the victim:
  - 1) Have victim transported to the hospital.
  - 2) Get Medical Release forms signed.
  - 3) Have Rape Kit completed by medical authority.
  - 4) Have Rape Kit impounded by officer via Evidence Control Officer.
  - 5) Have clothing items bagged and impounded separately (ensure victim has change of clothing available).
- ☐ Notify the sector lieutenant of the nature and extent of injuries and any need for investigative or crime scene call-out.
- ☐ Notify Special Assault Unit detectives and request call-out, if appropriate.
- ☐ Interview victim and witnesses to obtain statements (victim may have friend or counselor in attendance during interview).
- ☐ If suspect is in custody:
  - 1) Ensure medical treatment for suspects (photograph injuries).
  - 2) Separate and mirandize multiple suspects for interrogation. If investigators are going to respond, they prefer the suspect not be mirandized or interviewed prior to their arrival.
  - 3) Seize clothing items and bag/impound separately.
  - 4) Impound vehicle for search warrant to police impound yard.

### 3.52 RENTAL EQUIPMENT MAIL-IN REPORT

In an effort to better serve the community, and lessen the impact on the Patrol Division, the "Rental Equipment Theft" mail-in packet has been implemented as a reporting process for this crime.

- b) Each photograph should have a means of identification. Show the true size of plants by comparison (e.g., ruler, yardstick or officer in photo).
- c) Count plants *prior* to uprooting.
- d) Package in burlap bags, paper bags or cardboard containers. Ensure the evidence numbers are clearly visible. In the case of burlap bags use wire ties to identify the case number and item number.
  - **Do not use plastic.**
  - **Do not punch holes in paper sacks.**
- e) Forward the request for analysis to the Property/Evidence Unit as *soon as possible*.

#### **N. Perishables**

1. Most perishable items seized as evidence are the result of shoplifting.
  - a) If possible, have victim/store owner retain and preserve the evidence for court.
  - b) Advise the victim/store owner to retain the evidence for at least 90 days.
2. Perishables that must be retained in Department custody should be immediately frozen/refrigerated in the Property/Evidence Room. A temporary freezer/refrigerator is available in the Station Evidence Entry Room.

#### **O. Seminal Stains**

1. If the semen is wet and heavily deposited, samples of the fluid should be swabbed, air-dried, and placed in a small clean vial.
2. The article on which the deposit was found should be allowed to dry thoroughly.
3. The dried article should then be packaged with the stain toward the outside, and in such a fashion as to prevent friction on the stained area. Use clean paper as a protector.
  - a) Use the Sexual Assault Kit for any required tests.
4. Each item of clothing should be individually packaged in a brown paper bag.
5. Complete Property entry in its entirety and place Sexual Assault Kit in the evidence locker if it has been dried. If the Sexual Assault Kit has been



frozen place it in the freezer. (Most kits are dried and refrigeration is not necessary.)

**P. Sharp Instruments**

1. Sharp instruments (knives, razors, etc.) should **never** be packaged in paper bags without first taking precautions to render the cutting edge and point safe for handling.
2. The use of an Evidence/Property tag taped to the instrument is sufficient.
3. Fill out the Property Evidence Form in its entirety, attach it to the item, and secure all evidence in a Property Room booking area locker.

**Q. Tools and Tool Marks**

1. Whenever possible, take the entire item containing tool marks into evidence.
  - a) In cases where tool marks are found on part of a structure or another item which would require cutting to preserve the evidence, a supervisor should be called to the scene to evaluate the importance of the case, the item to be cut, and to make the decision as to the best method to use for obtaining and preserving the evidence.
2. Tools suspected of being used in the commission of a crime should be wrapped and packaged so that material adhering to the prying or cutting surface is protected.
3. Do not attempt to fit tools suspected of being used in the commission of a crime into pry marks or other impressions, as this contaminates both the tool and the impression.
4. Make sure tools and tool marks remain separated.
5. Secure tools and items containing tool marks in separate containers with separate Property/Evidence Tags.
6. If additional processing is required ensure that the item is packaged properly.

**R. Documents / Credit Cards**

1. In most cases where large amounts of miscellaneous papers or documents of limited evidentiary value are seized, they can be tagged as one item (e.g., one envelope or bag containing miscellaneous

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Quick Property Receipt. Property Room staff will label and move items to the restricted side of the cage for long-term storage.

#### **F. Sexual Assault Kits**

1. Sexual Assault kits that are received from "Dawson Place Sexual Assault Center" will be processed into the evidence room as soon as possible. Those kits which are NOT anonymous will require the Property Room Manager to fill out a Washington State Lab Request form as well as the Authorization for Consumption of DNA form and the DNA supplemental form within 30 days of receiving the SAK in accordance with RCW 70.125.090 and send those forms to the Marysville Crime Lab.

#### **G. DNA Evidence**

1. All cases initially charged as a violent or sex offense the DNA work product must be kept according to the following requirement:
  - Except when a defendant is convicted and sentenced for a violent or sex offense as defined by RCW 9.9A.030, the DNA work product of a defendant convicted for crimes felony crimes, the DNA work product shall be kept throughout the length of the sentence, including any period of community custody extending through the final discharge.
  - When a defendant is convicted for a violent or sex offense defined in RCW 9.94A.507, the DNA shall be maintain for ninety-nine years or until the death of the defendant.
  - When there is no conviction attained the DNA work product must be maintain for ninety-nine years or throughout the period of the statute of limitations pursuant to RCW 9A.04.080, whichever is sooner.
  - In any felony case regardless of whether the identity of the offender is known and probable cause exists to believe that the elements of a violent or sex offense as defined by RCW 9.9A.030, the DNA work product, INCLUDING the sexual assault kit will be maintained for ninety-nine years or throughout the period of the statute of limitations pursuant to 9A.04.080, whichever is sooner.

#### **H. Evidence or Property that will not be accepted**

1. Property Room staff will not accept property/evidence that does not conform to Department standards.

## 8

**RELEASE, DISPOSAL AND DISPOSITION OF PROPERTY AND/OR EVIDENCE**

Unless otherwise governed by State law, the Officer/Detective assigned to the follow-up stage of the investigation has final authority regarding the disposition of property or evidence held in the Property Room. Where no detective is assigned or the Statute of Limitations has expired, Property Room personnel, after conducting diligent research, will make the final decision as to the disposition of the property/evidence, coordinating with City Legal as necessary.

**In all instances when property and/or evidence is released, destroyed, pended for destruction, auctioned, donated or checked out, the appropriate computer data entry will be made in New World indicating such action and the Quick Property Receipt will be filled out also indicating the action taken.**

**When any property is released to a third party via Notarized releases, the original Notarized document will be kept and attached to the Quick Property Receipt. Any other relevant documents (Power of Attorney, Court Orders) will be copied and put with the Quick Property Sheet.**

**A. State Law Governing Property/Evidence**

Property/Evidence Unit personnel will ensure that they are compliant with Federal, State and Local laws governing the release, disposal and disposition of property and/or evidence. The following State Laws will govern the release and/or disposal of property:

**Unclaimed Property** - RCW 63.32.010-050  
**Lost and Found Property** - RCW 63.21.010-080  
**Statute of Limitations** - RCW 9A.04.080  
**Drug Related Laws** - RCW 69.50.505  
**Firearms Laws** - RCW 9.41.040, 070, 098, 345  
**DNA Evidence** - RCW 5.70.010 & 020, 10.73.170  
**Sexual Assault Kits** – RCW 70.125.090

All property that is not evidence (found and safekeeping) will generally be kept for a minimum of 60 days unless claimed sooner. Property may be released sooner if it is found or property for safekeeping and the owner is identified. This does not apply to firearms that are being held for safekeeping as part of a court order. The firearms will be held for safekeeping until such a time as the order is no longer valid. Property marked for "Immediate Destroy" will generally be kept for 60 days unless the item(s) are in such condition that waiting 60 days is not possible or advisable.